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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,453

08/30/2001

Thomas Jessop

21710-68036

7938

28062

7590

10/18/2006

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/942,453	<b>Applicant(s)</b> JESSOP ET AL.	
	<b>Examiner</b> Jennifer Liversedge	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413).<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 29-33, 35-37, 39-41 and 43-44 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A proper dependent claim shall not conceivable be infringed by anything which could not also infringe the base claim. See MPEP § 608.01 (n), Section III. In the instant application, the depending claims as noted above recite products, paths, chains and instruments. However, the claimed products, paths, chains and instruments could be produced by a method other than recited in the base method claims 1 and 24.

Therefore it is conceivable that the products, paths, chains and instruments claims 29-33, 35-37, 39-41 and 43-44 can be infringed without infringing the base method claims 1 and 24. As a result, claims 29-33, 35-37, 39-41 and 43-44 are improper dependent claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 33-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 33, 37 and 41 state "The method of claim 1 [24] further comprising the step of creating a financial product [instrument]." The claim fails to comply with the enablement requirement as claims 1 and 24 are directed to "A method for viewing..." and claims 33, 37 and 41 are directed to "...creating a financial product [instrument]" with out the intervening steps as to how one would go from "A method for viewing..." to "...creating a financial product [instrument]".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 20-21, 23-24, 29-30, 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,701,453 to Maloney et al. (further referred to as Maloney).

Regarding claims 1, 29 and 46, Maloney discloses a method and apparatus for viewing information (Figures 1-2; column 3, lines 4-8) comprising:

Selecting a first corporate entity information type (Figures 3, 4B, 18, 19-20);

Selecting a second corporate entity information type (Figures 3, 4B, 18, 19-20);

Selecting a third corporate entity relationship information type (Figures 4B, 14, 18; column 5, lines 42-67);

Displaying said information types through a view provided by an access means with predetermined indicia (Figures 1-2, 12A, 13, 15, 17, 19-20; column 5, lines 42-67); and

Providing alteration means for said view, whereby a fourth information type, chosen from the group comprising corporate entity, corporate entity relationship, selection, grouping, arrangement and view type may be displayed through said alteration means (column 6, lines 27-48; column 8, lines 43-48; column 13, lines 5-11; column 15, lines 36-41; column 17, lines 13-21).

Regarding claims 24 and 30, Maloney discloses a method for viewing information (Figures 1-2; column 3, lines 4-8) comprising:

Providing at least one corporate entity information type, corporate entity relationship information type, selection information type, grouping information type, arrangement information type and view type information type (Figures 3, 4B, 14, 18, 19-20, column 5, lines 42-67),

Selecting at least one first information type, which said first information type is chosen from the group comprising selection, grouping, arrangement and view type (column 15, lines 36-41; column 17, lines 13-21), and;

Displaying said information type through a view provided by an access means with predetermined indicia (Figures 1-2, 12A, 13, 15, 17, 19-20; column 5, lines 42-67); and,

Providing alteration means for said view, whereby a second information type, chosen from the group comprising corporate entity information type, corporate entity relationship information type, selection information type, grouping information type, arrangement information type and view type information type may be displayed through said alteration means (column 6, lines 27-48; column 8, lines 43-48; column 13, lines 5-11; column 15, lines 36-41; column 17, lines 13-21).

Regarding claims 2-9, Maloney discloses a method wherein corporate information type is comprised of predetermined criteria and chosen from the group consisting comprising corporate entities and corporate information; wherein corporate entity relationship information is comprised of predetermined criteria chosen from the group comprising buyer-seller relationships, customer-supplier relationships, company-client relationships, parent company-subsidiary relationships, ownership relationships, resource sharing relationships, joint ventures, political/business relationships, competitor relationships, value chain relationships, horizontal and vertical relationships; where selection and grouping information type is comprised by predetermined criteria chosen from the group comprising stocks, bonds, financial instruments, sectors, industry segments, SIC codes, and product lines (Figures 1-3, 4B, 12B, 13, 14, 18-20;

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column 2, lines 58-67; column 3, lines 4-8; column 5, lines 31-67; column 17, lines 19-21; column 17, line 44 – column 18, line 13).

Regarding claims 10-15, Maloney discloses a method wherein arrangement information is comprised of predetermined criteria chosen from the group comprising column, row, grid, map, free-form, and structured; wherein view type information is comprised of predetermined criteria constructed from information; wherein information used to construct view type is chosen from the group comprising Fundamental information, Market Risk information and Performance information and wherein said indicia comprises corporate entity indicia and corporate entity relationship indicia (Figures 3 and 18-20; column 1, lines 10-16 and lines 33-35; column 6, lines 27-30; column 7, lines 57-62; column 15, lines 37-41).

Regarding claims 20-21 and 23, Maloney discloses a method wherein access means is chosen from the group comprising personal computers, terminals, personal digital assistants and cell phones (column 1, lines 10-12), comprises an interactive graphic user interface (column 1, lines 59-61; column 4, lines 64-67), and alteration means is chosen from the group comprising pointing device input, keyboard input and voice input (column 3, lines 7-9; column 17, lines 5-8).

Regarding claim 45, Maloney discloses the method further comprising the step of providing a fifth information type, chosen from the group of government entities,

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government information, financial entities, financial information, industry information, industry segment information, sector information index information, personal entities and personal information, which may be displayed through said alteration means (Figures 3, 4B, 12B, 18-20, column 6, lines 45-48; column 17, line 44 – column 18, line 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16-19, 22 and 25-28, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney as applied to claims 15 and 24 above, and further in view of U.S. Patent No. 6,721,713 B1 to Guheen et al. (further referred to as Guheen).



Regarding claims 16-19, Maloney does not disclose a method wherein corporate entity and corporate entity relationship indicia (column 1, line 65 – column 2, line 7; column 9, lines 4-25; column 10, lines 61-65) is chosen from the group comprising graphic, audio, and video indicia and wherein graphic entity and corporate entity relationship indicia is chosen from the group comprising color, pattern, and shape indicia. However, Guheen discloses a method wherein corporate entity and corporate entity relationship indicia is chosen from the group comprising graphic, audio, and video indicia (column 7, lines 48-51; column 11, lines 3-10) and wherein graphic entity and corporate entity relationship indicia is chosen from the group comprising color, pattern, and shape indicia (column 2, lines 24-30; column 7, lines 51-54). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the relational database for capturing relationships as disclosed by Maloney to adapt the use of graph display with color, pattern and shape indicia as disclosed by Guheen. The motivation would be to use a visual representation of information already available such as to provide a display which users find easy to interpret and understand.

Regarding claim 22, Maloney does not disclose wherein the graphic user interface comprises a Web browser. However, Guheen discloses a Web browser (column 8, lines 5-12). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the relational database for capturing relationships as disclosed by Maloney to adapt the use of a Web browser as disclosed by Guheen. The

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motivation would be to use commonly implemented Web technology for facilitating information sharing and access.

Regarding claim 25, Maloney does not disclose the step of providing at least one corporate entity information type, corporate entity relationship information type, selection information type, grouping information type, arrangement information type and view type information type further comprises providing said information types through a server; and displaying said information type through a view provided by an access means further comprises displaying said information type through a client side access means.

However, Guheen discloses the step of providing at least one corporate entity information type, corporate entity relationship information type, selection information type, grouping information type, arrangement information type and view type information type further comprises providing said information types through a server; and displaying said information type through a view provided by an access means further comprises displaying said information type through a client side access means (column 1, line 54 – column 2, line 7; column 8, lines 1-12).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the relational database for capturing relationships as disclosed by Maloney to adapt the use of servers and client side access as disclosed by Guheen. The motivation would be to use commonly implemented server and access technology for facilitating information sharing and access.

Regarding claims 26-28 and 31-32, Maloney does not disclose a method further comprising displaying a critical path, a dominant critical path, and a value chain for said information types. However, Maloney discloses displaying the relationships between entities (Figures 3, 4B, 14, 18, 19-20, column 5, lines 42-67). Guheen discloses displaying relationships between vendors in terms of strength of relationship and what they can supply or deliver (critical and dominant critical path) and how they are part of the supply chain (value chain) (column 1, line 65 – column 2, line 7; column 9, lines 1-57; column 10, line 61 – column 11, line 10; column 11, lines 55-67; column 12, lines 1-4). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the relational database for capturing relationships as disclosed by Maloney to adapt the use of critical path, dominant critical path and value chain as disclosed by Guheen. The motivation would be to use commonly known graphing techniques to visualize the strength of relationships in order to analyze the relationships for making business decisions.

Claims 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney, and further in view of U.S. Patent No. 6,317,726 B1 to O'Shaughnessy (further referred to as O'Shaughnessy).

Maloney does not disclose the method further comprising the step of creating a financial product chosen from the group comprising market baskets of financial instruments, structured products, financial indices and mutual funds and creating a

structured trade. However, O'Shaughnessy discloses the method further comprising the step of creating a financial product chosen from the group comprising market baskets of financial instruments, structured products, financial indices and mutual funds and creating a structured trade (abstract, Figure 17; column 18, lines 12-67). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the relational database for capturing relationships as disclosed by Maloney to adapt the use of using a computer to create financial products for trading from a database as disclosed by O'Shaughnessy. The motivation would be that computers efficiently make decisions, using decision rules and predetermined criteria, on investment strategies and using data concerning the relationships between entities would be a useful piece of information to be stored in the database and then selected as one of many forms of predetermined criteria in financial product creation.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER